

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

HILL-ROM SERVICES, INC., HILL-ROM
COMPANY, INC., and HILL-ROM
MANUFACTURING, INC.,

Plaintiffs and Counterclaim Defendants,

V.

STRYKER CORPORATION d/b/a STRYKER
MEDICAL, and STRYKER SALES
CORPORATION,

Defendants and Counterclaim Plaintiffs.

Case No. 1:11-CV-01120-JMS-DKL

Hon. Jane Magnus-Stinson

Hon. Magistrate Judge Denise K. LaRue

**HILL-ROM AND STRYKER'S JOINT MOTION TO SEVER CLAIMS RELATING TO
THE NETWORK PATENTS AND TO DISMISS WITHOUT PREJUDICE CERTAIN
INFRINGEMENT CLAIMS AND COUNTERCLAIMS**

Plaintiffs Hill Rom Services, Inc., Hill-Rom Company, Inc., and Hill-Rom Manufacturing, Inc. (collectively, “Hill-Rom”) and Defendants Stryker Corporation d/b/a Stryker Medical and Stryker Sales Corporation (“Stryker”) jointly move (1) to sever from the pending litigation into a separate case all claims and counterclaims arising from U.S. Patent Nos. 5,771,511; 7,237,287; 7,568,246; 7,506,390; 7,520,006; and 7,669,263 (collectively, “the Network Patents”) pursuant to Federal Rule of Civil Procedure 42(b), and (2) to dismiss without prejudice (a) all of Hill-Rom’s claims of infringement in this matter relating to the transmission of information from a Stryker bed over a serial port connection, which are accused of infringing U.S. Patent Nos. 5,699,038; 6,147,592; and 7,538,659 (“the Data Transfer Patents”); (b) all of Hill-Rom’s claims of infringement of claim 1 of the ‘659 patent by hospital beds equipped with iBed Awareness Enhanced; and (c) all of Stryker’s counterclaims relating thereto.

As this Court is aware, the network patents are currently undergoing reexamination by the United States Patent and Trademark Office. Additionally, per this Court's previous Order (D.I. 146), the litigation with respect to the Network Patents is currently stayed. In view of the concurrently filed Unopposed Motion for Summary Judgment of Non-Infringement of the Data Transfer Patents, the parties hereby jointly move to sever the Network Patents from the pending litigation into a separate case, so as to allow the parties to receive a final judgment with respect to the Data Transfer Patents.

Additionally, the parties jointly move to dismiss without prejudice (a) all of Hill-Rom's claims of infringement (literal and under the doctrine of equivalents) relating to the transmission of information from a Stryker bed over a serial port connection, which are accused of infringing the Data Transfer Patents, and all of Stryker's counterclaims related thereto; and (b) all of Hill-Rom's claims of infringement (literal and under the doctrine of equivalents) of claim 1 of the '659 patent by hospital beds equipped with *iBed Awareness Enhanced*, and all of Stryker's counterclaims related thereto. Hill-Rom preserves the right to re-assert these claims in this Court, to the extent permitted by this Court, only in the event that the Federal Circuit remands this case back to this Court based on claim constructions, in whole or in part, and Hill-Rom pursues its claims of infringement of the Data Transfer Patents against any of the remaining Stryker products accused of infringing those patents. Stryker preserves the right to re-assert these counterclaims in this Court, to the extent permitted by this Court.

Date: April 30, 2013

/s/ David K. Callahan

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the counsel of record via the Court's Electronic Notification system, this 30th day of April, 2013.

/s/ David K. Callahan